

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 23, 1947

11:00 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Pursuant to published notice, the City Council, at the time and place designated, resumed the public hearing on the application of Jack Lebo for a change in zoning, from "A" Residence District to "B" Residence District, of the property located at the southeast corner of Longview and West 24th Streets, legally described as Lots 13 and 14, Outlots 41 and 42, Division "D", Longview Terrace, said hearing having been continued from the regular meeting of November 27, 1946, at the request of the attorneys for the said Jack Lebo.

W. R. Smith, Attorney for Jack Lebo, applicant, appeared in support of his client's application, declaring that he is asking for the change for an apartment house only.

The following opponents of the change appeared in opposition to the change substantially as follows:

JOSEPH J. JONES, 2212 Longview Street, stated that he did not think the property owners have had a chance to be heard on the subject of an apartment house as their protests were against the change from "A" Residence to "B" Residence, but that they do protest an apartment house in that area; that this is a new district - none of the houses having been built longer than six to eight years - and he thinks it unfair to go into a new district and impose a "B" zoning which will depreciate their property before natural depreciation takes place; that if the change is granted on Longview Street the Council will soon be compelled to grant "B" changes in any part of town;

that there is a great deal of property nearer the University of Texas that is available for apartment sites but it is expensive and that it was good business on the part of applicant to buy this property at residence prices and then get it changed to commercial use; and that it would not be fair to surrounding property owners to grant this change.

CLAY SIMPSON stated that he took the same position as Mr. Jones and that he does not want their zoning changed because it will depreciate their property; that they bought there because it was a quiet street; and that there are deed restrictions anyway which would not permit an apartment house.

BEN THRASHER, Attorney for Marguerite Craig, stated that his client is opposed to the change ; that she bought her home there under an "A" classification; and that applicant bought his property knowing it was zoned as residential.

All property owners and interested persons having been given an opportunity to be heard, the hearing was thereupon closed, and Councilman Wolf moved that the property in question of the said Jack Lebo be changed to "B-1" Residence District, and the City Attorney be instructed to prepare the necessary ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

Councilman Thornberry was excused from the meeting.

A group of officers and enlisted men from Bergstrom Field and Camp Hood and junior and senior hostesses of the USO, with Sergeant Robert Morris Shaeffer as spokesman, came before the Council and requested that in view of the closing of the USO Club on Fifth Street, the City furnish other centrally located headquarters where the services of the said USO can be continued, preferably at the Austin Athletic Club, the Labor Club, or the YWCA.

Councilman Glass moved that the matter be referred to the Recreation Director, Beverly Sheffield, to work out the details for a location with the group. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf;
Noes : None
Absent: Councilman Thornberry

The following report of the Board of Adjustment on the application of Mrs. Ida Frances McGill, through her attorneys, Looney and Clark, requesting a change in the Use designation, from "A" Residence District to "B-1" Residence District, of the property at 1909 Cliff Street, was received and filed:

" January 22, 1947

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the

Board of Adjustment at a meeting on January 14, 1947:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mrs. Ida Frances McGill, through her attorneys, Looney and Clark, requesting a change in the Use designation of the following property:

All of Lot 14 and the south 1/2 of 15, Block 3,
Carrington's Subdivision, Outlots 26, 27 and 28,
Division "D", being located at 1909 Cliff Street,

from "A" Residence District to "B-1" Residence District; and

WHEREAS, the Board of Adjustment carefully considered this application at a meeting on January 14, 1947; and

WHEREAS, on October 12, 1946, the applicant filed an appeal with the Board of Adjustment for a variation to the Zoning Ordinance to permit the maintenance of a rooming and boarding house on the above described property in view of the fact that the building was being occupied by a number of University students in violation of the existing zoning classification of the property; and

WHEREAS, the property owners in this neighborhood filed a protest with the Board of Adjustment seeking a cessation of the violation of the Ordinance by the applicant; and

WHEREAS, the Board, on October 23, 1946, held a hearing at which the applicant appeared pleading for the variance and a large number of property owners also appeared protesting this appeal; and

WHEREAS, it was established by the hearing that this building was being used as a boarding and lodging house in violation of the requirements for an "A" Residence District in which the same is located and the desire was unanimously expressed by practically the entire neighborhood from 22nd Street to 24th Street and from Longview Street to Lamar Boulevard to maintain this area as an "A" Residence District; and

WHEREAS, the building constructed upon this property was originally built far in excess of the normal requirements for a single family dwelling and even a duplex, and, therefore, in form if not in use violated the purpose and spirit of the Ordinance, and, owing to this original estate, the subsequent owners have endeavored to use this building for "B" Residence purposes; and

WHEREAS, the Board, at the above mentioned hearing, granted a temporary permit to the owner permitting the use as a boarding and lodging house until June 15, 1947, to avoid the eviction of the University students, a number of whom were G.I. veterans, and on condition that at the expiration of the time the building be used for its legal purpose; and

WHEREAS, the Board, at the meeting held on January 14, 1947, after further deliberation and consideration of all the facts and circumstances

and character of the neighborhood, deemed that no change has occurred in the situation and that remedy for the existing violation after June 15th would be to remodel the building into a duplex residence or otherwise cause it to conform to the "A" Residence District requirements of the Ordinance, and the Board further deemed that to change the zoning designation of this one lot would be a spot zone of the worst type, perpetuating an incipient blight and an original error in the construction of the building to the detriment, peace and comfort of the neighborhood; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF AUSTIN:

THAT the above change in the Use designation of the property be and is hereby not recommended to the City Council of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

C. F. Herring, representing the firm of Looney and Clark, Attorneys for Mrs. Ida Frances McGill, appeared before the Council and asked that a public hearing on their client's application for a change in zoning of the property at 1909 Cliff Street be called. Mayor Miller moved that a public hearing on the matter be called for Thursday, February 13, at 11:00 A. M., and that notice of said hearing be published as required by the terms of the Zoning Ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : None
Absent: Councilman Thornberry

The following report of the Board of Adjustment on the application of Sam R. LaGrone, et al, for a change in zoning, from "B" Residence District to "C" Commercial District, of the property in the 1200 and 1300 blocks of West 6th Street, was received and filed:

"Austin, Texas
January 22, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on January 7, 1947:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Sam R. LaGrone, et al, requesting a change in the USE designation of the following property:

Lots 11, 12, 14, 15, and 16, Duval Addition,
Outlot 1, Division "Z", and Lots 17, 18, and 19,
Woodland Addition, Division "Z", being known as
1215, 1217, 1219, 1307, 1309, 1313, and 1317
West 6th Street,

from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on January 7, 1947, at which Mr. LaGrone, Roy Lane, S.B. Tunnell and W. T. Caswell appeared to plead for the change and were joined by Mrs. Mattingly, representing Miss Alma Reese, and W. S. Benson; and

WHEREAS, Adolf Schutze appeared as an owner of adjacent property and stated that he was not in favor of the extension of the present zone; and

WHEREAS, this change is in effect the extension of an existing commercial district which now faces a commercial district on the north side of West 6th Street, with the exception of two lots adjacent to Pressler Street; and

WHEREAS, the Board, after careful consideration of this change, deemed that since this property is not highly developed for residential purposes and due to its location and frontage on existing commercial property it would never develop into any stable residential area, and that the extension of the existing zone so that the property on both sides of the street would have the same classification would be logical and promote the best use of this property; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is hereby recommended to the City Council that the present "C" Commercial District be extended to include the above described property and any intervening lots which are now in a residential district and that the property retain its present Height and Area District designation.

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Councilman Wolf moved that a public hearing on the application of the said Sam R. LaGrone, et al, for a change in zoning of the property in the 1200 and 1300 blocks of West 6th Street be called for February 13, at 11:00 A. M., and that notice of said hearing be published as required by the terms of the Zoning Ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, and Councilman Wolf
Noes : None
Absent: Councilman Thornberry

The Mayor called up for its second reading the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT ON THE SOUTH ONE-HALF OF BLOCK 1, OUTLOT 34, DIVISION B, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf;
 Noes : None.
 Absent: Councilman Thornberry

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Dr. E. H. Givens, representing the Negro Chamber of Commerce, came before the Council and asked that the City do the following things for East Austin:

- (1) Buy the equipment of the USO at Rosewood Park upon discontinuance of said organization there in order that the Negroes can carry on the fine services that said organization has been rendering;
- (2) Buy land for a park and playground for Negro children, several locations being now available if City is ready to buy same;
- (3) Build tennis courts and fence at Rosewood Park;
- (4) Gravel the streets in East Austin, especially Chicon and Pennsylvania Avenue;
- (5) Build a baseball park;
- (6) Provide lights for East Austin.

The Mayor advised Dr. Givens that all of his requests could not be granted at this time, but that the City might do the following things: (1) buy the equipment of the USO at Rosewood Park if same can be bought at reduced price; and (2) consider the purchase of land for a baseball park and a park for Negro children if his committee has locations they want to recommend.

Reverend S. L. Davis, Colored, came before the Council and expressed his thanks for the street light put in near Concho Street; and submitted a request for street lights at 14th Street near the Cemetery; at 13th Street and Concho Street; and at 14th Street and Comal Street as soon as it is possible to get same. He also asked for sewerage on 18th Street between Chestnut Avenue and Coletto Street. The Mayor advised him that his requests would be given consideration, but no promise would be made as to when the same could be granted.

The application of JOE BROWN EMERSON, 404 $\frac{1}{2}$ Congress Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

The application of JACK DIGBY, 1507 Holly Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

The application of RALPH EDWARD KING, 4604 Depew Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

The application of J. C. TOWNSEND, 1512 Holly Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

The appeal of JOEL ANDREW WHEELER, 4722 DePew Avenue, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After a consideration of the facts in the case, Councilman Glass moved that the said Joel Andrew Wheeler be granted a probationary driver's permit for ninety days, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

The appeal of ENOCH S. HINTON, 205 West 7th Street, on his application for a taxicab driver's permit, which had been recommended for denial, was heard. After a consideration of the facts in the case, Councilman Wolf moved that the said Enoch S. Hinton be granted a probationary driver's permit for ninety days, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : None

Absent: Councilman Thornberry

The application of JACK C. MILLER, 217 West 8th Street, for a license to operate as a taxicab a 4-door Buick Sedan, 1940 Model, Serial No. 13656535, Motor No. 43841997, State License No. HN-6939, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : None

Absent: Councilman Thornberry

The application of LUTHER GORDON DAY, 405 East 1st Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Motor No. BA-374967, State License No. FX-7559, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : None

Absent: Councilman Thornberry

The application of BOBBIE WILLIAMS, 1210 Taylor Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1942 Model, Motor No. P14-63298, State License No. FX-4938, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : None

Absent: Councilman Thornberry

The application of CHARLEY L. SUMMERS, 217 West 8th Street, for a license to operate as a taxicab a Chevrolet Sedan, 1946 Model, Motor No. DAA-296664, State License No. HN-4253, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : None

Absent: Councilman Thornberry

The application of IRA WHITE, 217 West 8th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Motor No. BAA537242, State License No. JA-6165, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : None

Absent: Councilman Thornberry

The application of IRA WHITE, 217 West 8th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, Motor No. DAA-523339, State License No. JA-6166, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : None
Absent: Councilman Thornberry

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, heretofore the City of Austin entered into contract with Robert H. Davis, Nannie L. Davis Hoist and her husband, J. A. Hoist, by the terms of which the City of Austin agreed to sell the Northeast One-quarter (NE $\frac{1}{4}$) and the west 25' of the Northwest One-quarter (NW $\frac{1}{4}$) of Lot 18, Outlot 55, in Division "B", in the City of Austin, Travis County, Texas, to the said Robert H. Davis and Nannie L. Davis Hoist and her husband, J.A. Hoist, for a consideration to be paid in installments; and

WHEREAS, such consideration has been paid in full, together with all interest due thereon; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Guiton Morgan, City Manager, be, and he is hereby, authorized and directed to convey to Robert H. Davis, Nannie L. Davis Hoist and her husband, J. A. Hoist, the property above described by special warranty deed.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : None
Absent: Councilman Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Section "C" of Evergreen Cemetery, a subdivision of a portion of Outlot 25, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Section "C", of Evergreen Cemetery, of record in Book 4, pages 34-5 of the Plat Records of Travis County, Texas, which plat of said Section "C" was adopted by an ordinance passed by the City Council of the City of Austin at a regular session on June 9, 1938, recorded in Ordinance Book "K", at page 410, of the Ordinance Records of said City; and

WHEREAS, the price at which said lots shall be sold, and the minimum number that shall be sold of same at one time and the designation of the spaces has not heretofore been fixed by resolution or order of the City Council, and it is deemed wise by the City Council to now fix the prices at which said lots shall be sold and make other regulations concerning same;

therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the prices for various lots and portions of said Section "C" of Evergreen Cemetery shall be as follows:

Lots 1 to 30, both inclusive, Block 1, as designated on the aforesaid plat shall be sold at \$70.00 each, and one-half of a lot, or designated spaces 1, 2, 5, and 6, or designated spaces 3, 4, 7, and 8 of each lot shall be sold at \$35.00 each;

Lots 31 to 90, both inclusive, Block 1, shall be sold at \$60.00 each and one-half of a lot, or designated spaces 1, 2, 5, and 6, or designated spaces 3, 4, 7, and 8, of each lot shall be sold at \$30.00 each;

Lots 1 to 60, Block 2, both inclusive, are designated for two grave spaces and no less than two spaces out of each lot shall be sold at one sale to any purchaser or purchasers, and the combined two spaces shall be sold at \$18.00;

Lots 1 to 75, both inclusive, of Block 3, of said Section "C" of Evergreen Cemetery shall be sold in single spaces and one or more spaces may be sold at a time, said spaces shall be sold at \$7.00.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : None
Absent: Councilman Thornberry

Herbert Pendergrass, colored, came before the Council and protested against the operation of "bootleg" taxicabs, especially the Negro taxicabs. He was advised to file a complaint in the matter and the City would prosecute same.

Victor H. Randolph came before the Council and protested the awarding of contract for the concessions at Zilker Springs and Deep Eddy to his competitor when his bid was the highest figured on a percentage basis, but declared, however, that he did not want a resubmission of bids. After a discussion of the matter, in which the same was fully explained to Mr. Randolph, the Council took no further action.

The Mayor called up for its second reading, the following ordinance:

AN ORDINANCE REPEALING THAT CERTAIN ORDINANCE ENTITLED : "AN ORDINANCE PROVIDING FOR THE REQUIREMENT AND ISSUANCE OF LICENSE PERMITS TO ITINERANT VENDERS BY THE CITY OF AUSTIN, DEFINING ITINERANT VENDERS; REGULATING THE SALE OF GOODS AND MERCHANDISE BY ITINERANT VENDERS IN THE CITY OF AUSTIN FOR THE BENEFIT OF THE PUBLIC; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCES INCONSISTENT THEREWITH; AND DECLARING AN EMERGENCY",

WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL
OCTOBER 26, 1933, AND IS RECORDED IN BOOK J,
PAGES 561, ET SEQ., OF THE ORDINANCE RECORDS
OF THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes ; Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes ; None
Absent: Councilman Thornberry

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes ; None
Absent: Councilman Thornberry

Thereupon the Mayor declared that the ordinance had been finally passed.

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, T. A. Webb is the Contractor for the alteration of a building located at 110 East 6th Street and desires a portion of the sidewalk space abutting Lot 1, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to the said T. A. Webb, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at a point approximately 30 feet west of the southeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 6th Street to a point 4 feet north of the north curb line; thence in a westerly direction and parallel with the centerline of East 6th Street approximately 14 feet to a point; thence in a northerly direction and at right angles to the centerline of East 6th Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said T. A. Webb, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at

least eight feet in height (or extending from the sidewalk to the under side of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted the use of parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.

(2) That "No Parking" signs shall be placed on the street side of the barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than March 1, 1947,

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be, and the same is, hereby permitted to construct its underground telephone conduits in the following streets:

An underground telephone conduit across East 24th Street intersection, 34.5 feet west of, and parallel to, the center-line of San Jacinto Boulevard.

That the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Evelyn Maxwell Harris has made application in writing for permission to rent her building for the operation of a doctor's office and clinic for human beings only, on Lot 12, Outlot 51, Division "D" of the City of Austin, Travis County, Texas, the same being on the east side of Rio Grande Street, and locally known as 2513 Rio Grande Street, and is located in a "B" Residence District, which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission to rent her building for the operation of a doctor's

office and clinic for human beings only be granted to Mrs. Evelyn Maxwell Harris, with the following conditions:

1. That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic;
2. That all setback regulations required in this zone and all building code provisions be complied with in the operation and maintenance of such building.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : None
Absent: Councilman Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Miss Annie I. Maxwell has made application in writing for permission to rent her building for the operation of a doctor's office and clinic for human beings only, on Lot 11, Outlot 51, Division "D", of the City of Austin, Travis County, Texas, the same being on the east side of Rio Grande Street, and locally known as 2515 Rio Grande Street, and is located in a "B" Residence District, which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission to rent her building for the operation of a doctor's office and clinic for human beings only be granted to Miss Annie I. Maxwell with the following conditions:

1. That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic;
2. That all setback regulations required in this zone and all building code provisions be complied with in the operation and maintenance of such building.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
Noes : None
Absent: Councilman Thornberry

The written proposal of Bascom Giles for ownership and operation of the Airport Cafe, with certain stipulations, submitted by the City Manager, was received, but was not accepted by the City Council, and was referred back to the City Manager, with instructions that the said Bascom Giles could have a hearing before the Council on the matter if he so desired.

Pursuant to authority vested in him by Section 5 of the Housing Authorities Law, Mayor Miller submitted to the Council for approval the reappointment by him of HUBERT B. JONES and LOUISE HAYNIE as Commissioners of the Housing Authority of the City of Austin for a two-year term ending December 23, 1948, the appointment to be retroactive to December 23, 1946.

Councilman Bartholomew moved that the appointments be approved. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

The application of KOPEL DISTRIBUTING COMPANY, 405 Barton Springs Road, for a local distributors beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

It was moved by Councilman Glass that the Council authorize the expenditure of \$1,000.00 for bleachers for Zaragosa Park and \$1,000.00 for bleachers for the Negro Park; and that the City Manager and the Recreation Director be directed to see what can be done about laying out the baseball field on the Butler tract, in the way of sodding, etc. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf
 Noes : None
 Absent: Councilman Thornberry

The following report of the Board of Adjustment on the application of Louis D. Kubecka for a change in zoning of the property located between 23 $\frac{1}{2}$ and 24th Streets, Swisher Street and East Avenue, was received and ordered filed:

" Austin, Texas
 January 23, 1947

Honorable Mayor and City Council
 Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on January 7, 1947:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Louis D. Kubecka requesting a change in the Use designation of the following property:

Blocks 46 and 47, Christian and Fellman Addition, Outlot 24,
 Division "C", being located between 23 $\frac{1}{2}$ and 24th Streets, Swisher
 Street and East Avenue,

from "A" Residence District and "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on January 7, 1947, at which the applicant and his attorney, Chas. F. Herring, and Fred T. Spangler, prospective owner of the property, all appeared and explained the development which was proposed on this property; and

WHEREAS, property owners in this area were represented by Wm. Trenckmann and the Council Room was filled to overflowing with protestants who opposed the proposed change on the grounds that they had bought their property and built their homes with the knowledge that this was residence property and that they wished to maintain the present classification, further affirming that the change to business designation would depreciate the value of their property; and a petition signed by 189 property owners in this vicinity protesting the change was filed with the Board; and

WHEREAS, the applicants filed a petition signed by seven property owners approving the proposed change, two of the original nine signers having requested that their names be withdrawn from the petition; and

WHEREAS, the application is for the change of Blocks 46 and 47 for the purpose of erecting a sports center, which blocks adjoin 24th Street for a distance of 512 feet on the north, 23 $\frac{1}{2}$ Street 376 feet on the south, and Swisher Street 315 feet on the west; and

WHEREAS, to provide the right-of-way for the Interstate Highway on East Avenue would require a strip 120 feet deep out of Block 46 and a portion of former Cole Street, leaving an area approximately 374'x315' ; and

WHEREAS, the applicants affirm that they propose to erect a permanent masonry and concrete building for the use as a sports arena containing thirty bowling alleys, handball courts, basketball courts, concessions for dispensing soft drinks but no beer or liquor, and to provide in the second floor a convertible ice skating rink and auditorium to accommodate ten thousand persons when used as an auditorium, and that the cost of the improvements would be approximately One Million Dollars; and

WHEREAS, the remaining area of the blocks to be changed after providing the right-of-way for the Interstate Highway would have to provide a space for a large building to accommodate the activities proposed and also parking facilities for an enormous number of patrons who might use the building; and

WHEREAS, this site is located east of the University in an existing residential area in which there are no through streets connecting this property with north, south and west portions of the City except 19th Street, 32nd Street, and at present East Avenue; all of the streets in the immediate vicinity being local residential streets as classified in the Ordinance covering plats and subdivisions of the City of Austin and would not provide proper accesses to such a development nor adequate parking space for patrons of the development; and

WHEREAS, the fact that this property borders on the Interstate Highway does not insure a greater access from this direction since the project

will be on the wrong side of the Highway as access to the through lanes of the Highway could only be had at certain interchanges which would be a considerable distance north and south of this site, and the only immediate access would be from the service road along the high-speed lanes of the Highway connecting to these interchanges and, therefore, this Highway would not afford any particular relief to the traffic and parking conditions which would be created by this development; and

WHEREAS, the present local residential streets are already congested from local traffic and particularly during athletic events held by the University of Texas such as baseball, football and track since the Memorial Stadium and Ball Park are only three blocks distance from this site; and

WHEREAS, to change the zoning classification of this portion of the property fronting on the future Interstate Highway at this time is premature since the full effect of the Highway upon the adjoining property is not known and the construction of this Highway will require a comprehensive study of the re-zoning of all the property from 19th Street to the north city limits along this Highway and, therefore, any local changes should be deferred until such a study can be made; and

WHEREAS, the Board deemed that a development of this magnitude which would result in enormous traffic and parking problems would not fit into this area and would create conditions which would have far reaching effects on all the property in this immediate neighborhood; and that this area to the east of the University should be developed for residential purposes to house an increasing number of students in the University since there is more property available here closer to the University than any other property; and further deemed that a large and comprehensive development as the one proposed should be located where there is ample access to the same on through residential streets or main thoroughfares from all sections of the City and where adequate space is available for proper parking of the many automobiles that would otherwise congest the immediate area surrounding the development; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, while the Board in no sense disapproves the development per se but considers such an enterprise to be of great value to the City, it does not recommend a change of this property for this purpose at this location.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller
MAYOR

Attest:

Lucia McKeen

CITY CLERK